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**Fifth Committee**

**Summary record of the second part of the 58th meeting***
Held at Headquarters, New York, on Thursday, 26 March 1998, at 6 p.m.

*Chairman:* Ms. Daes (Vice-Chairman) ..... (Greece)
*Chairman of the Advisory Committee on Administrative and Budgetary Questions:* Mr. Mselle

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Agenda item 119: Calendar of conferences (*continued*)

* The summary record of the first part of the meeting appears as document A/C.5/52/SR.58.

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*The second part of the meeting was called to order at 6.20 p.m.*

**Agenda item 119: Calendar of conferences** (*continued*) (A/C.5/52/L.26)

1. **The Chairman** asked if the Committee was ready to adopt draft decision A/C.5/52/L.26 by consensus.

2. **Mr. Hanson** (Canada) said that the point at issue was whether the Committee's decision should be postponed to the following day. In accordance with the rules of procedure, the Committee should take a decision on that motion before it could continue.

3. **The Chairman** said that under rule 113 of the rules of procedure, a ruling first had to be made on the point of order officially submitted by the representative of Canada. If there was no objection, she would consider that the Committee decided by consensus to suspend the meeting.

4. **Mr. Atiyanto** (Indonesia), speaking on behalf of the Group of 77 and China, called for the Committee to decide immediately on the draft decision.

5. **The Chairman** said that a point of order had been raised, and had to be considered first.

6. **Mr. Lozinski** (Russian Federation) supported the Canadian proposal.

7. **Mr. Watanabe** (Japan) pointed out that consideration of draft decision A/C.5/52/L.26 did not appear in the agenda for the meeting. He therefore supported the Canadian proposal that the decision should be postponed.

8. **Mr. Mirmohammad** (Islamic Republic of Iran) said he fully supported the representative of Indonesia, and recalled that the first motion was that by Qatar, whose representative had requested that the Committee should decide on the draft decision.

9. **The Chairman** said that the wish expressed by the representative of Qatar had not been formally submitted as a proposal.

10. **Mr. Herrera** (Mexico) said he believed that if it took a short break, the Committee would be able to reach a consensus.

11. **Mr. Blukis** (Latvia) emphasized that under the terms of rule 116 on adjournment of the debate, two speakers could speak in favour of adjournment and two against. In the present case, there had been three statements on one side and two on the other.

12. **The Chairman** said that the representative of Latvia was right, and recalled the provisions of rule 119 of the rules of procedure.

13. **Mr. Atiyanto** (Indonesia) emphasized that under the terms of rule 116 the motion should be immediately put to the vote after two speakers had spoken in favour of adjournment of the debate and two against.

14. *The motion for adjournment of the meeting was put to the vote.*

15. *The motion was rejected by 46 votes to 31.*

16. **Mr. Lozinski** (Russian Federation) asked whether there was a quorum.

17. **Mr. Acakpo-Satchivi** (Secretary of the Committee) said that the quorum was 94 and that at the start of the procedural discussion, the Secretariat had counted 95 delegations.

18. **Mr. Moktefi** (Algeria) said that the meeting could continue, as there had been a quorum at the time of the vote. The Committee could now decide on the draft decision under discussion.

19. **Mr. Lozinski** (Russian Federation) said it had been his understanding that there had been a quorum at the beginning of the meeting. He would like to know if that had still been the case at the time of the vote.

20. **Mr. Acakpo-Satchivi** (Secretary of the Committee) said that it was at the start of the meeting that the Secretariat had counted 95 delegations. The number of delegations present varied in the course of the meeting, and in addition, delegations present during a vote were not required to vote.

21. **The Chairman** said she believed that there had not been a quorum.

22. **Mr. Hanson** (Canada) invited the Chairman to rule in the light of the last sentence of rule 108 of the rules of procedure.

23. **Mr. Novruzov** (Azerbaijan) proposed that delegations should be counted in order to verify whether there was a quorum.

24. **Ms. Goicochea Estenoz** (Cuba) read out the first sentence of rule 108 and said that to open the meeting it was sufficient for 46 delegations to be present. Given the definition of majority given in rules 85 and 86 of the rules of procedure, the procedure that had been followed was correct.

25. **Mr. Hanson** (Canada) noted that the representative of Cuba had referred to the first sentence of rule 108, whereas the decision to be taken stemmed from the second sentence.

26. **Ms. Goicochea Estenoz** (Cuba) asked if a representative of the Department of Legal Affairs could be consulted, and said that it would be interesting to know how many delegations had been present when some of the Committee's previous decisions had been adopted.

27. **Mr. Sial** (Pakistan) said that since there had been a quorum at the start of the procedural discussion, the Committee must take a decision on the draft decision. Rule 128 provided that the voting could not be interrupted.

28. **Mr. Rahmtalla** (Sudan) said that he supported the Cuban delegation. The Secretariat had indicated that there had officially been a quorum. The Committee had ruled on the motion; it must now decide on the draft decision.

29. **Mr. Atiyanto** (Indonesia) said that he supported the representatives of Pakistan and the Sudan.

30. **The Chairman** asked if the Committee was ready to adopt draft decision A/C.5/52/L.26 without putting it to a vote.

31. **Ms. Shearouse** (United States of America) said that her delegation was not in a position to support the draft decision as currently worded. She proposed a number of changes and read out the revised English version, the last two lines of which read: "at nine days, and to observe the two holidays referred to in General Assembly resolution 52/214, section A, paragraphs 5 and 6, at the United Nations Headquarters and other United Nations duty stations, as appropriate".

32. **Mr. Sial** (Pakistan) again drew attention to rule 128, and emphasized that the Committee had to decide on the draft decision, not on an amendment.

33. **Mr. Atiyanto** (Indonesia), speaking on behalf of the Group of 77 and China, supported the representative of Pakistan.

34. **Mr. Ahounou** (Côte d'Ivoire) said he would like the Secretariat to indicate whether the amendment proposed by the United States delegation took into account the proposal of the Group of 77 and China.

35. **Mr. Rahmtalla** (Sudan) urged the Chairman and the United States delegation not to set a precedent that could later be used against any group. The motion had been adopted, and the Committee must now take action on draft decision A/C.5/52/L.26 unamended.

36. **Mr. Darwish** (Egypt) said that his delegation wished to associate itself with the statement made by the representative of Indonesia and felt that there had been unacceptable delays. Prolonging the discussion would only increase dissension; the Committee must observe rule 120 of the rules of procedure, which stipulated that, as a general rule, no proposal should be discussed unless copies of it had been circulated to all delegations not later than the day preceding the meeting.

37. **Ms. Shearouse** (United States of America) said that the decision-making process referred to in rule 128 had not begun. If her delegation had been forced to submit its amendment orally it was because consideration of the draft decision had not been included on the agenda for the meeting. Her intention had been to distribute the amendment in writing for consideration the following day.

38. **Mr. Hanson** (Canada) drew attention to the first sentence of rule 130, which said that when an amendment was moved to a proposal, the amendment was to be voted on first.

39. **Mr. Atiyanto** (Indonesia) said that, unfortunately, he had to object strenuously to the statement by the representative of the United States of America. The amendment had been rejected by the Group of 77 and China. Submitting it at the current stage constituted a further attempt to postpone the Committee's decision. He insisted that the Committee should take action on the draft decision.

40. **The Chairman** asked whether there were any objections to adopting draft decision A/C.5/52/L.26, as amended by the United States of America, without a vote.

41. **Mr. Atiyanto** (Indonesia) said that the Group of 77 and China could not accept the United States proposal.

42. **The Chairman** asked whether she could take it that the Committee was prepared to adopt the draft decision by consensus.

43. **Ms. Shearouse** (United States of America) said that there was no consensus because her delegation was opposed to the adoption of the draft decision. She insisted that the Committee should first take action on her delegation's amendment, in accordance with rule 130 of the rules of procedure.

44. *The amendment submitted orally by the United States of America was put to the vote.*

45. *The United States oral amendment was rejected by 44 votes to 28, with 7 abstentions.*

46. **The Chairman** asked whether there were any objections to adopting draft decision A/C.5/52/L.26 without a vote.

47. **Ms. Shearouse** (United States of America) requested that the draft decision should be put to the vote.

48. *Draft decision A/C.5/52/L.26 was put to the vote.*

49. *Draft decision A/C.5/52/L.26 was adopted by 54 votes to 25, with 2 abstentions.*

50. **Mr. Herrera** (Mexico) said that he had voted in favour of draft decision A/C.5/52/L.26 since many delegations favoured it and the text reflected legitimate aspirations. He regretted, however, that the Committee had had to take a vote when it would have been possible to reach a consensus if there had been more time.

51. **Mr. Deineko** (Russian Federation) said that the draft decision had posed problems for his delegation as well. His delegation was not opposed to the idea of observing two Muslim holidays in the United Nations Secretariat; that was a legitimate demand on the part of delegations from countries in which Islam was widespread. Nevertheless, his delegation had been forced to vote against the draft decision for several reasons. To begin with, it attached great importance to the principle of adoption by consensus, believing that resorting to voting threatened to lead the Committee into a blind alley. Secondly, Member States were seeking in the present instance to encroach upon the prerogatives of the Secretary-General, who was authorized to set the holidays for United Nations staff by referring to the customs and traditions observed in the host country. Thirdly, by deciding to increase the number of holidays, the Committee was embarking on a dangerous course. The existence of various religions and the desire to observe other holidays belonging to a particular culture might give rise to numerous demands. Lastly, it was obvious that that measure would do nothing to enhance the effectiveness of the work of the Organization and would have additional financial implications. He was certain that the Committee could have found a compromise solution that would have satisfied the desires of delegations from Muslim countries while protecting the interests of the Organization.

52. **Mr. Thorne** (United Kingdom), speaking on behalf of the European Union, said he deeply regretted that, notwithstanding the efforts of many delegations, it had been necessary to conduct a vote. The States members of the European Union had voted against the draft decision. They felt that the question of holidays fell within the competence of the Secretary-General and that the General Assembly should not be involved itself in resolving it. They likewise deplored the reopening of discussion on a balanced text that had been carefully negotiated just three months earlier in the context of General Assembly resolution 52/214, which had been adopted by consensus. The European Union was composed of 15 members reflecting a broad range of traditions. For that reason it attached the utmost importance to the provisions of Article 13 of the Charter of the United Nations, which were based on an equitable balance.

53. **Mr. Hanson** (Canada) said that he, too, thought it would have been wiser to hold further consultations with a view to reaching a consensus. Since a vote had been imposed, his delegation had decided, after weighing the pros and cons, to vote in favour of the draft decision. Ten holidays a year seemed to be reasonable number. That was in fact slightly less generous than the system in Canada. That being said, Canada wished to stress two points: firstly, the United Nations was not a sectarian organization and had no established religion. It did not observe religious holidays per se, no matter what they were. Deliberative bodies occasionally decided not to meet on specific dates in order to accommodate the wishes of Member States and delegations that followed certain religions, and a number of days were days off for the Secretariat. Canada nevertheless believed that the Secretary-General was still authorized to determine the number of holidays at each duty station, in consultation with the staff and in accordance with the provisions of the Charter and the Staff Rules. His authority was not called into question by the decision just adopted.

54. **Mr. Atiyanto** (Indonesia), speaking on behalf of the Group of 77 and China, said that those countries deeply regretted that it had been necessary to put the draft to the vote. He wished to note that the Group of 77 had scrupulously respected the international character of the Organization. Now that draft decision A/C.5/52/L.26 had been adopted, he hoped that the Secretary-General would implement it fully.

55. **Ms. Powles** (New Zealand) said that the draft decision had put her delegation in a difficult situation. It concerned a matter related to relations between the administration and staff which fell within the competence of the Secretary-General in his capacity as chief administrative officer. Her delegation believed that it had been unwise to politicize the matter to the extent of requiring Member States to express themselves in a vote. It had not wished to cast a vote that would go against the views of several friendly and neighbouring countries, and had therefore abstained.

56. **Mr. Sulaiman** (Syrian Arab Republic) welcomed the adoption of the draft decision making it possible to observe the two holidays of Id al-Fitr and Id al-Adha and thanked the States that had voted in favour of it.

57. **Mr. Armitage** (Australia) said that he did not think that all the necessary efforts had been made to try to find a compromise solution for that very delicate matter. Although his delegation was not at all opposed to the introduction of two holidays, it objected in principle to the way in which the decision had been taken. The decision directly weakened the authority of the Secretary-General as the chief administrative

officer and also undermined the integrity of relations between the staff and the Administration. The United Nations was a secular organization and one could fear that the decision would set a precedent by helping to call into question established practices.

58. **Mr. Watanabe** (Japan) said that, while recognizing that United Nations staff members had the right to observe religious holidays, he had voted against the draft decision for several reasons. Consensus was of the utmost importance in the Committee's work, particularly when a delicate matter was involved. Furthermore, in December 1997, the General Assembly had adopted a resolution that had been carefully negotiated. Before changing the provisions of that resolution, more time should have been devoted to the search for a consensus.

59. **Ms. Shearouse** (United States of America) expressed her delegation's grave concern with regard to the decision that had just been adopted. Designating holidays observed by the United Nations had always been one of the prerogatives of the Secretary-General; and the calendar was established on the basis of the customs and practices followed in duty stations. The secular nature of the Organization and the need to respect the cultures of all Member States should be kept in mind. The decision adopted by the Committee did not ensure equality of treatment among all the cultures and religions represented at the United Nations. Furthermore, it was not wise to increase the number of holidays because that would not help to enhance the effectiveness of the Organization or improve its image.

60. **Mr. Ahounou** (Côte d'Ivoire) expressed regret that a vote had had to be taken, which was an unusual procedure in the Committee. While his delegation had supported the draft decision out of solidarity, since it was very attached to the principle of consensus, it would have liked to have seen the decision postponed to the following day, particularly in view of the political nature of the matter at hand.

61. **Mr. Mirmohammad** (Islamic Republic of Iran) said that he welcomed the adoption of draft decision A/C.5/52/L.26. He hoped that that clearly worded text would remove all the difficulties linked to the implementation of General Assembly resolution 52/214. Furthermore, in establishing the two additional holidays, it was not a question of imposing a religion or setting one religion against another by calling into question the secular nature of the Organization. It was a matter of responding to the wishes of a sizeable number of Member States, a large proportion of the world's population and many staff members, who had the right to equitable treatment.

62. **Mr. Monayir** (Kuwait) said that his delegation supported the statement by the representative of Indonesia on behalf of the Group of 77 and China on setting the number of official holidays at 10 days and pointed out that that was also in keeping with the wishes of the staff member associations, which were a very important party involved in choosing the holidays. He regretted that it had not been possible to reach agreement on the question within the Committee.

63. **Mr. Al-Khalife** (Qatar) expressed appreciation to all delegations that had voted in favour of the draft decision and pointed out that they represented more than a third of the Member States and more than a billion persons who espoused Islam in the world. He had been surprised to hear the fallacious arguments put forward with regard to the costs involved and secularism. The truth lay elsewhere. The time had come to heed, within the Committee and other bodies, the aspirations expressed by numerous delegations.

64. **Mr. Farid** (Saudi Arabia) said that he associated himself with the statement by the Chairman of the Group of 77 and China and expressed appreciation to the representative of Qatar. Every effort had been made to try to find a consensus, but, unfortunately, without success. Noting that General Assembly resolution 52/214 had never been fully implemented, his delegation expressed satisfaction that the matter was finally resolved. It expected that the Secretary-General would scrupulously observe the provisions of draft resolution A/C.5/52/L.26. All United Nations staff members should take two days of leave on the holidays referred to in the decision, at full pay; and the Organization would be closed.

65. **Mr. Park** (Republic of Korea) said that he wished to contest the procedure that had been followed. His delegation had not been prepared to participate in a vote at the current meeting. There had been no indication in the *Journal of the United Nations* in that regard and the question of the quorum raised by the representative of the Russian Federation had not been fully clarified. His country, therefore, had not participated in the vote.

66. **Mr. Blukis** (Latvia) said that he associated himself with the statement made by the representative of the United Kingdom on behalf of the European Union.

67. **Mr. Riva** (Argentina) said that his country respected religious holidays and that that was taken into account in its domestic legislation. Nevertheless, his delegation regretted that the decision had not been adopted by consensus. In an organization like the United Nations, where very diverse cultures and religions were represented, it would be

desirable in the future to define a general policy on the question of holidays.

68. **Mr. Rahmtalla** (Sudan) expressed appreciation to all the delegations that had voted in favour of the draft decision. He hoped that those which had not supported it would use the intervening time between its adoption by the Committee and its introduction in a plenary meeting of the General Assembly to reconsider their positions, as some delegations had done under other circumstances, by demonstrating the same spirit of cooperation.

69. **Mr. Elmontasser** (Libyan Arab Jamahiriya) said that his delegation, while regretting that agreement had not been reached on the question in the Committee, supported the statements made by the representative of Indonesia on behalf of the Group of 77 and China and by other representatives whose remarks had been along the same lines. He hoped that the decision taken would definitively settle the question of the two holidays and that his delegation would not be forced to raise the matter again. He thanked all the delegations that had voted in favour of the draft decision.

70. **The Chairman** said that the Committee had completed its consideration of agenda item 119.

*The meeting rose at 7.45 p.m.*